

# The Gazette of India

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No. 49] NEW DELHI, SATURDAY, DECEMBER 4, 1954

## NOTICE

The undermentioned Gazettes of India Extraordinary were published upto the 27th November 1954 :—

|   | Issued by                               | Subject  |
|---|---|--|
| ed the 28th                                       | Election Commission, India.             | Election Petition No. 25 of 1953.  |
| the 20th<br>November 1954<br>No. 20               | Ditto.                                  | Civil Appeal No. 151 of 1953.  |
| the 23rd  | Government of Ajmer.                    | List of Members elected for the Pushkar Municipal Committee.   |
| d the 23rd<br>November 1954.                      | Ditto.                                  | Directions issued for the persons holding licence under Part III of the Cinematograph Act, 1952 in the State of Ajmer,         |
| 277 S.R.O. 3452, dated the 20th<br>November 1954. | Election Commission, India.             | Amendment made in the Notification No. 62/3/51-Elec. II.(3) dated the 5th October 1951.)                                       |
| 278 S.R.O. 3453, dated the 24th<br>November 1954. | Ministry of Commerce and Industry.      | Amendment made to the French Establishments (Application of Laws Order, 1954.  |
| 279 S.R.O. 3487, dated the 25th<br>November 1954. | Ministry of Labour.                     | Constitution of an Industrial Tribunal for adjudication of an industrial dispute concerning the United Bank of India, Limited. |
| S.R.O. 3488, dated the 25th<br>November 1954.     | Ditto.                                  | Reference of industrial dispute for adjudication in relation to the United Bank of India, to the Industrial Tribunal.          |
| 280 S.R.O. 3489, dated the 26th<br>November 1954. | Delimitation Commission, India.         | Corrections made in the Final Order No. 15, dated the 23rd August 1954 (S.R.O. 2738).  |
| 281 S.R.O. 3490, dated the 27th<br>November 1954. | Ministry of Finance (Revenue Division). | Customs Duties Drawback (Crown Cork) Rules, 1954.  |
| 282 S.R.O. 3491 dated, the 27th<br>November 1954. | Ditto.                                  | Exemption of raw sugar imported into India from certain portion of customs duty.   |

Copies of the Gazettes Extraordinary mentioned above will be supplied on indent to the Manager of Publications, Civil Lines, Delhi. Indents should be submitted so as to reach the Manager within ten days of the date of issue of this Gazette.

**PART II—Section 3****Statutory Rules and Orders issued by the Ministries of the Government of India (other than the Ministry of Defence) and Central Authorities (other than the Chief Commissioners).****MINISTRY OF LAW***New Delhi, the 29th November 1954*

**S.R.O. 3495.**—In exercise of the powers conferred by Rule 1 of Order XXVI in the First Schedule to the Code of Civil Procedure, 1908 (Act V of 1908), the Central Government hereby directs that the following further amendment shall be made in the Notification of the Government of India in the Ministry of Law, No. S.R.O. 1651, dated the 1st September, 1953, relating to the appointment of officers to sign or verify plaints and written statements in suits in any court of civil jurisdiction by or against the Central Government, namely:—

In part XI of the Schedule to the said notification, after the entry "Regional Directors of Resettlement and Employment", the entry "Additional Deputy Director (Labour), Gorakhpur", shall be inserted.

[No. F.25-I/53-L.]

R. S. GAE, Dy. Secy.

**MINISTRY OF HOME AFFAIRS***New Delhi, the 25th November 1954*

**S.R.O. 3496.**—In exercise of the powers conferred by the proviso to article 309 of the Constitution, read with articles 313 and 372 thereof and paragraph 19 of the Adaptation of Laws Order, 1950, the President hereby directs that the following further amendment shall be made in the notification of the Government of India in the late Home Department No. F.9/2/33-Ests., dated the 9th January, 1934, namely:—

In the Schedule to the said notification, after the heading "Indian School of Mines", the following heading and the entries thereunder shall be inserted, namely:—

*"Office of the Director, Labour Bureau.*

|                        |                                |                                |           |
|------------------------|--------------------------------|--------------------------------|-----------|
| Research Officer       | Secretary, Ministry of Labour. | Secretary, Ministry of Labour. | All       |
| Investigator (Grade I) | Secretary, Ministry of Labour. | Director, Labour Bureau.       | (i) & (v) |
|                        |                                | Secretary, Ministry of Labour. | All       |

[No. 7/9/54-Ests.]

**S.R.O. 3497.**—In exercise of the powers conferred by the proviso to article 309 of the Constitution read with articles 313 and 372 thereof and paragraph 19 of the Adaptation of Laws Order, 1950, the President hereby directs that the following further amendment shall be made in the rules published with the notification of the Government of India in the late Home Department No. F.9-19/30-Ests., dated the 27th February, 1932, namely:—

In the Schedule to the said rules, under the heading "Department of Industries and Labour", the following sub-heading and entries thereunder shall be added at the end, namely:—

*"Office of the Director, Labour Bureau.**Class III posts.*

|                          |                                      |                                     |   |
|--------------------------|--------------------------------------|-------------------------------------|---|
| Investigators (Grade II) | Deputy Secretary Ministry of Labour. | Director Labour Bureau              | (i) to (v) Secretary, Ministry of Labour. |
|                          |                                      | Deputy Secretary Ministry of Labour | All Secretary, Ministry of Labour.        |

|   |                             |                             |  |
|---|-----------------------------|-----------------------------|--|
| Computers, Draftsman,<br>Upper Division Clerks,<br>III Division Clerks. | Director, Labour<br>Bureau. | Director, Labour<br>Bureau. | All Secretary,<br>Ministry of Labour.              |
| <i>Class IV posts</i>   | Director, Labour<br>Bureau. | Director, Labour<br>Bureau. | All Deputy Secre-<br>tary, Ministry of<br>Labour." |

[No. 7/9/54-Ests.]

S. P. MAHNA, Under Secy.

*New Delhi, the 27th November 1954*

**S.R.O. 3498.**—In exercise of the powers conferred by section 27 of the Indian Arms Act, 1878 (XI of 1878), the Central Government hereby exempts Shri Sergio M. Correa do Lago, Second Secretary to the Brazilian Embassy, New Delhi, from the operation of the prohibitions and directions contained in section 6 of the said Act in respect of one F. N. Belgium 9 m.m. pistol No. 35902 and nine rounds of ammunition.

[No. 9/63/54-Police(I).]

N. SAHGAL, Dy. Secy.

**MINISTRY OF EXTERNAL AFFAIRS***New Delhi, the 23rd November 1954*

**S.R.O. 3499.**—In exercise of the powers conferred by clause (a) of section 2 of the Diplomatic and Consular Officers (Oaths and Fees) Act, 1948 (XLI of 1948), the Central Government hereby authorises Shri M. K. Jain, Assistant Vice Consulate of India, Zahidan, to perform the duties of a Consular Agent with effect from the 16th September, 1954, upto the 28th October, 1954.

(F.WI/54/8311)

[No. 689-W.I/54.]

I. S. CHOPRA, Joint Secy.

**MINISTRY OF STATES***New Delhi, the 29th November 1954*

**S.R.O. 3500.**—In pursuance of clause (30) of Article 366 of the Constitution of India, the President is hereby pleased to recognise Brigadier His Highness Maharao Shri Sir Bhim Singhji Bahadur, K.C.S.I., Maharao of Kotah as Uprajpramukh of Rajasthan for a period of five years with effect from the 29th September 1954.

[No. 133-PB.]

G. SWAMINATHAN, Joint Secy.

**MINISTRY OF FINANCE**

(Department of Economic Affairs)

*New Delhi, the 24th November 1954*

**S.R.O. 3501.**—In exercise of the powers conferred by sub-section (1), (2) and (4) of section 52 of the Banking Companies Act, 1949 (X of 1949), the Central Government, after consultation with the Reserve Bank of India, hereby directs that the following further amendments shall be made in the Banking Companies Rules, 1949, the same having been previously published as required by sub-section (3) of the said section, namely:—

In the said Rules—

(1) after rule 15, the following rule shall be inserted, namely:—

"15A. The list of debtors under section 45D of the Act shall be in Form XIV or as near thereto as circumstances permits";

(2) after Form XIII, the following Form shall be inserted, namely:—

“ THE BANKING

FORM XIV\*

[Section

In the High Court of Judicature

No.....

In the matter of the Indian

And in the matter of the Banking

And in the matter of. . .

*List of Debtors of*.....

| Sl. No. | Name and address of debtor. | If the original debtor is dead, give names and addresses of his legal representatives. (If the original debtor dies after this list is filed in Court but before it is settled, substitute the names and addresses of his legal representatives). | If the original debtor is an insolvent, give the name and address of the assignee or receiver of his estate. (If the original debtor is adjudged insolvent after this List is filed in Court but before it is settled, the name of such assignee or receiver shall be added). | Amount of debt due. | Rate of interest if any, and the date upto which such interest has been calculated. |
|---------|-----------------------------|---|---|---------------------|---|
|---------|-----------------------------|---|---|---------------------|---|

1

2

3

4

5

6

Dated this.....day of.....

\*This List should be verified by

OFFICIAL

## COMPANIES ACT, 1949

(See RULE 15A).

45D (2)]

at..... Jurisdiction

of 195. ....

Companies Act, 1913.

Companies Act, 1949.

..... a Banking Company

ordered to be wound up on.....

| Description of papers, writings and documents, if any, relating to the debt. | Whether in respect of the debt the banking company holds personal security only or no security. | Whether in respect of the debt the banking company holds security other than personal security ; if so, give the nature and particulars of the security including the estimated value of the security, names and addresses of persons having interest in such security or a right of redemption therein. | Particulars of guarantee where debt is guaranteed including names and addresses of guarantors and extent of guarantee. | Description of papers, writings and documents in support of the guarantee where debt is guaranteed. | Relief or reliefs claimed. | Remarks |
|--|---|--|--|---|----------------------------|---------|
|--|---|--|--|---|----------------------------|---------|

7

8

9

10

11

12

13

195..... at.....

means of an affidavit.

LIQUIDATOR "

[No. F.4(6)-F.I/54.]

N. C. SEN GUPTA, Dy. Sec

## (Department of Economic Affairs)

## COMPANY LAW AND INVESTMENT ADMINISTRATION

*New Delhi, the 26th November 1954*

**S.R.O. 3502.**—It is hereby notified for general information that in pursuance of sub-section (2) of Section 248 of the Indian Companies Act, 1913 (VII of 1913), the Central Government has appointed with effect from the 4th November 1954 Shri B. M. Mody, B.A., Assistant Secretary, Finance Department, Saurashtra to be the Registrar of Joint Stock Companies *vice* Shri V. V. Baxi granted leave from the same date.

[No. 17(22)-CL/53.]

**S.R.O. 3503.**—It is hereby notified for general information that in pursuance of sub-section (2) of Section 248 of the Indian Companies Act, 1913 (VII of 1913), the Central Government has appointed with effect from the 29th October 1954 (forenoon) Shri H. D. Shourie, I.A.S., Director of Industries, Punjab, to be the Registrar of Joint Stock Companies *vice* Shri Daljeet Singh, P.C.S.

[No. 3(57)-CLIA/54.]

S. SUBRAMANIAN, Under Secy.

## MINISTRY OF FINANCE (REVENUE DIVISION)

## DANGEROUS DRUGS

*New Delhi, the 27th November 1954*

**S.R.O. 3504.**—The following draft of a further amendment to the Central Opium Rules, 1934, which it is proposed to make in exercise of the powers conferred by sub-section (2) of section 5 of the Dangerous Drugs Act, 1930 (II of 1930), is published, as required by sub-section (1) of section 36 of the said Act, for the information of all persons likely to be affected thereby; and notice is hereby given that the said draft will be taken into consideration on or after the 7th January, 1955.

Any objections or suggestions which may be received from any person with respect to the said draft before the date so specified will be considered by the Central Government.

*Draft Amendment*

In rule 4 of the said rules, after the word "Punjab", the words "Patiala and East Punjab States Union and Uttar Pradesh" shall be inserted.

[No. 8.]

*New Delhi, the 29th November 1954*

**S.R.O. 3505.**—In pursuance of clause (a) of rule 2 of the Central Opium Rules, 1934, the Central Government hereby directs that the following amendments shall be made in the notification of the Government of India in the Ministry of Finance (Revenue Division), No. S.R.O. 2607, dated the 14th August 1954, namely:—

In the Schedule to the said notification—

(1) In Part I—

- (a) in the entries relating to the Faizabad Opium Circle, the entry "Basti" under the column headed "District" and the entry "Amroha" under the column headed "Extent" shall be omitted;  
Tehsil/Pargana

- (b) after the Shahjahanpur Opium Circle and the entries relating thereto, the following shall be added, namely:—

"Experimental Farm attached  
to the Government Opium  
Factory Ghazipur.

Ghazipur

Ghazipur";

- (2) In Part II, to the entries relating to the Ratlam Opium Circle, the entry "Shajapur" under the column headed "District" and the entry "Agar and Susner" under the column headed "Extent" shall be added.

Tehsil/Pargana

[No. 9.]

M. P. ALEXANDER, Under Secy.

#### CENTRAL EXCISES

*New Delhi, the 29th November 1954*

**S.R.O. 3506.**—In exercise of the powers conferred by section 37 of the Central Excises and Salt Act, 1944 (I of 1944), the Central Government hereby directs that the following further amendment shall be made in the Central Excise Rules 1944, namely:—

In Appendix I to the said Rules, in the second paragraph of Form B-4(A) in Central Excise Series No. 25-A, after the word "appointed" the following shall be inserted, namely:—

"licensed"

[No. 49.]

W. SALDANHA, Dy. Secy.

#### CUSTOMS

*New Delhi, the 4th December 1954*

**S.R.O. 3507.**—In exercise of the powers conferred by section 23 of the Sea Customs Act, 1878 (VIII of 1878), the Central Government hereby exempts recorded discs imported into India for processing and export and falling under item No. 79 of the First Schedule to the Indian Tariff Act, 1934 (XXXII of 1934), from the whole of the customs duty leviable thereon under the second mentioned Act, only in cases where—

- (i) the Chief Customs Officer is satisfied that the recordings contained in such discs are not ordinarily marketable in India; and
- (ii) the importer executes a bond undertaking—
  - (a) to re-export the master records within a period of six months of the date of import or any further time allowed in this behalf by such officer; and
  - (b) to pay the duty chargeable thereon in the event of his failure to do so within the specified period.

[No. 158.]

**S.R.O. 3508.**—In exercise of the powers conferred by section 23 of the Sea Customs Act, 1878 (VIII of 1878), the Central Government hereby exempts broodmares and stallions imported into India, for the purpose of breeding only and not for the purpose of racing, and falling under item 1(1) of the First Schedule to the Indian Tariff Act, 1934 (XXXII of 1934), from the whole of the customs duty leviable thereon under the last mentioned Act

[No. 159.]

E. S. KRISHNAMOORTHY, Joint Secy.

#### CENTRAL BOARD OF REVENUE

##### INCOME-TAX

*New Delhi, the 26th November 1954*

**S.R.O. 3509.**—In pursuance of sub-section (4) of Section 5 of the Indian Income-tax Act, 1922 (XI of 1922), the Central Board of Revenue directs that the

following further amendment shall be made in the Schedule to its Notification No. 32—Income-tax, dated the 9th November, 1946, namely:—

In the said Schedule under the sub-head, "VII-A—Punjab, Himachal Pradesh, Bilaspur, Patiala and East Punjab States Union and Jammu & Kashmir State" after entry 19 against Amritsar Range, the following entry shall be added, namely:—

"20. Survey Circle III, Srinagar."

[No. 65.]

K. B. DEB, Under Secy.

## MINISTRY OF COMMERCE AND INDUSTRY

*Bombay, the 26th November 1954*

**S.R.O. 3510.**—In exercise of the powers conferred on me by clause 20 of the Cotton Textiles (Control) Order, 1948, I hereby direct that with effect from 1st January, 1955, the following further amendment shall be made in the Textile Commissioner's Notification No. TCS.I/20, dated the 22nd September, 1949, namely:—

In the said Notification in paragraph 6 after clause (1) the following shall be inserted, namely:—

"(2) No producer who has a spinning plant shall produce during any quarter a quantity of printed cloth exceeding one-fourth of the largest total quantity of such cloth packed by him during any year from 1949 to 1954.

*Explanation I.*—For the purposes of clause (2) "quarter" means the period of three months ending on the last day of March, June, September and December.

*Explanation II.*—The total quantity of printed cloth packed by any producer during any of the aforesaid years from 1949 to 1954 shall be determined with reference to the returns furnished in that behalf by the producer to the Textile Commissioner under the Essential Supplies (Temporary Powers) Act, 1946."

M. R. KAZIMI,  
Textile Commissioner.

[No. T.C.(10)32/49.]

P. V. S. SARMA, Under Secy.

## ORDER

*New Delhi, the 30th November 1954*

**S.R.O. 3511.—IDRA/25/1.**—In exercise of the powers conferred by sub-section (1) of section 25 of the Industries (Development and Regulation) Act, 1951 (LXV of 1951), the Central Government hereby directs that the powers exercisable by it under section 18G of the said Act, shall, in relation to the control of supply, distribution and price of cement in the State of Bombay, be exercisable also by the State Government of Bombay, subject to the condition that no order made by the said State Government in the exercise of the powers so delegated shall have effect in so far as such order is repugnant to any order made by the Central Government under the said section 18G.

[F. No. 11(1)IA(G)/54.]

P. S. SUNDARAM, Dy. Secy.

## MINISTRY OF INFORMATION AND BROADCASTING

*New Delhi, the 25th November 1954*

**S.R.O. 3512.**—In exercise of the powers conferred by sub-rule (2) of rule 3 of the Cinematograph (Censorship) Rules 1951 read with section 3 of the Cinematograph Act, 1952 (XXXVII of 1952), the Central Government hereby appoints



Sri V. Shantaram as a member of the Central Board of Film Censors with immediate effect *vice* Sri Chandulal J. Shah resigned.

[No. 11/5/54-FC.]

P. M. LAD, Secy.

*New Delhi, the 27th November 1954*

**S.R.O. 3513.**—It is notified for general information that Sri K. Krishnamurthy, having tendered resignation from membership of the Madras Advisory Panel of the Central Board of Film Censors, the Central Government has accepted the same with effect from 24th November, 1954

[No. 14/2/54-FC.]

D. KRISHNA AYYAR, Under Secy.

## MINISTRY OF TRANSPORT

(Transport Wing)

PORTS

*New Delhi, the 27th November 1954*

**S.R.O. 3514.**—In exercise of the powers conferred by sections 4 and 6 of the Madras Outports Landing and Shipping Fees Act, 1885 (Madras Act III of 1885) the Central Government hereby directs that with effect from the 3rd January, 1955, the following further amendment shall be made in the notification of the Government of India in the Ministry of Transport No. 11-P(90)/47, dated the 23rd December, 1947, namely—

In the Schedule to the said notification—

(1) in section XXIV, relating to the heading "LEAVES, CANES, PLANTS, MATS, BASKETS, BARKS AND FIBRES"—

(a) for the existing heading, the following heading shall be substituted, namely:—

"LEAVES, CANES, PLANTS, MATS, BASKETS, BARKS, AND FIBRES NOT OTHERWISE ENUMERATED";

(b) in item G for the words "Fibres and barks, other than coir and palmyra" the words "Fibres and barks not otherwise enumerated" shall be substituted;

(2) In section XXXVII relating to "TEXTILES", after item J, the following item shall be inserted, namely:—

|                   |                               |          |
|-------------------|-------------------------------|----------|
|                   | Landing and<br>Shipping Fees. | Wharfage |
| "JJ. Staple fibre | 50 C. Ft.                     | 1-8-0";  |
|                   | 3-0-0                         |          |

(3) in the section relating to the heading "METHOD OF CALCULATING LANDING AND SHIPPING FEES AND WHARFAGE" after clause 11, the following clause shall be added, namely:—

"12. (a) Whenever landing and shipping operations are allowed at the Low Wharf with the previous written permission of the Traffic Manager to suit the Port's convenience, landing or shipping fees only without wharfage will be recovered on such goods.

(b) In cases where wharf bulk cargo is allowed to be discharged into lighters from vessels berthed at the Willingdon Island wharves or in stream and loaded into wagons through the Boat Train Pier Jetty or the Coal Berth with the previous written permission of the Traffic Manager to suit the Port's convenience, landing fees only without wharfage will be recovered.

**NOTE.**—The Port will not render any specified services for the loading or landing of cargoes in such cases."

[No. 6-PII(80)/54.]

A. V. SUBRAMANIA IYER, Under Secy.

**(Transport Wing)***New Delhi, the 30th November 1954*

**S.R.O. 3515.**—In exercise of the powers conferred by sub-section (1) of section 35 of the Indian Ports Act, 1908 (XV of 1908), the Central Government hereby directs that with effect from the 15th December, 1954, the following amendments shall be made in the notification of the Government of India in the Ministry of Transport No. 20-M(1)/50-I, dated the 12th October, 1950, namely:—

In the schedule annexed to the said notification, under the heading “D. Night, Holidays, Sunday or overtime work charges”, after the entry “(2) Sunday or holiday or part thereof.....Rs. 2-8-0” under the sub-heading “II COUNTRY CRAFTS”, the following entries thereunder shall be inserted, namely:—

**“III. For opening office.**

- (i) Whole night or part thereof—Rs. 5 per application.
- (ii) Sunday or holiday or part thereof—Rs. 5 per application.

**IV. For clearance (inward and outward) of cargoes:**

Finance, as a member of the Air-India International Corporation *vice* Shri K. R.

[No. 10-M(10)/53.]

T. S. PARASURAMAN, Dy. Secy.

**MINISTRY OF RAILWAYS****(Railway Board)***New Delhi, the 29th November 1954*

**S.R.O. 3516.**—In exercise of the powers conferred by section 47 of the Indian Railways Act, 1890 (IX of 1890) read with the notification of the Government of India in the late Department of Commerce and Industry No. 801, dated the 24th March, 1905, the Railway Board hereby directs that the following further amendment shall be made in the General Rules for all open lines of Railways in India, published with the notification of the Government of India in the late Railway Department (Railway Board) No. 1078-T dated the 9th March, 1929, namely:—

In the Schedule to Part III of the said rules, in column 3 against Serial No. 3, for the expression “7½ per cent.” wherever it occurs, the expression “5 per cent.” shall be substituted.

[No. 1401-TG.]

RANJIT SINGH, Director.

**MINISTRY OF NATURAL RESOURCES AND SCIENTIFIC RESEARCH***New Delhi, the 24th November 1954*

**S.R.O. 3517.**—In exercise of the powers conferred by section 5 of the Mines and Minerals (Regulation & Development) Act, 1948 (LIII of 1948), the Central Government hereby directs that the following further amendment shall be made in the Mineral Concession Rules, 1949, namely:—

For the proviso to rule 6 of the said Rules, the following provisos shall be substituted, namely:—

**“Provided that—**

- (a) where such person is an individual and is not a citizen of India, or
- (b) where the person is a partnership firm which consists of one or more partners who are not citizens of India,

the State Government shall not grant any certificate of approval to such persons except with the previous approval of the Central Government.

“Provided further that where such person is a company, it shall be incorporated under the Indian Companies Act, 1913 (III of 1913), and if a partnership firm, it shall be registered under the Indian Partnership Act, 1932 (IX of 1932)”.

Provided further that when it is so expedient in the public interest, the State Government may be order, with the previous approval of the Central Government, grant exemption from this rule".

[No. MII-159(13)/54.]

M. M. MALHOTRA, Under Secy.

## MINISTRY OF COMMUNICATIONS

*New Delhi, the 24th November 1954*

**S.R.O. 3518.**—In exercise of the powers conferred by section 4 of the Air Corporations Act, 1953 (27 of 1953), the Central Government hereby appoints Shri M. V. Rangachari, Secretary, Revenue and Expenditure Department, Ministry of Finance, as a member of the Air-India International Corporation *vice* Shri K. R. K. Menon.

[No. 2-CA(48)/54-H.]

**S.R.O. 3519.**—In exercise of the powers conferred by section 4 of the Air Corporations Act, 1953 (27 of 1953), the Central Government hereby appoints Shri M. V. Rangachari, Secretary, Revenue and Expenditure Department, Ministry of Finance, as a member of the Indian Airlines Corporation *vice* Shri K. R. K. Menon.

[No. 2-CA(48)/54-L.]

*New Delhi, the 26th November 1954*

**S.R.O. 3520.**—In exercise of the powers conferred by section 44 of the Air Corporations Act, 1953 (27 of 1953), the Central Government hereby makes the following rules, namely:—

### CHAPTER I

1. *Short title.*—These rules may be called the Air Corporations Rules, 1954.
2. *Definitions.*—In these rules, unless the context otherwise requires:
  - (a) "the Act", means the Air Corporations Act, 1953 (27 of 1953);
  - (b) "Chairman" means the Chairman of the Corporation;
  - (c) "Corporation" means the Indian Airlines, or, as the case may be, the Air India International Corporation, as the context in each case may require;
  - (d) "General Manager" means the General Manager of the Corporation;
  - (e) "secretary" means the secretary to the Corporation;
  - (f) "member" means a member of the Corporation; and
  - (g) "section" means a section of the Act.

### CHAPTER II

#### BUDGET, ACCOUNTS AND AUDIT

3. *Preparation and submission of annual budget estimates.*—(1) The budget estimates of the Corporation for every financial year beginning on the first day of April and ending on the thirty-first day of March next following shall be prepared by the Chairman or such officer as may be empowered by the Chairman in this behalf at such time and in such form as the Central Government may lay down from time to time.

(2) A copy of the budget estimates so prepared shall be sent to each member at least fourteen days before the meeting of the Corporation at which such estimates are to be considered.

(3) The Corporation shall consider and approve the budget estimates with such changes as it thinks fit at the meeting fixed for the purpose or at any other meeting to which the consideration of the budget estimates is adjourned by a resolution of the Corporation.

(4) The budget estimates, as approved by the Corporation, shall be submitted to the Central Government, not later than the first day of January of the financial year preceding the year to which the budget estimates relate:

Provided that the particulars of all capital commitments proposed to be entered into by the Corporation which may entail expenditure from the Government funds during the succeeding financial year shall be furnished by the 1st day of September of the preceding financial year.

(5) A summary of the budget estimates as submitted by the Corporation shall be laid before both Houses of Parliament and published in the Official Gazette, as soon as possible after the demands for grants to meet the expenditure of the Central Government have been assented to by Parliament.

4. *Supplementary Estimates.*—If during any financial year the Corporation engages or proposes to engage in any air transport service or ancillary activity in addition to those specified in the programme previously submitted under subsection (1) of section 36 or, if, for any other reason or reasons, a substantial modification of the budget estimates approved by the Corporation is likely to be involved, the Corporation shall submit for approval to the Central Government supplementary estimate, in such form as the Central Government may by order from time to time direct.

5. *Re-appropriation.*—If the Chairman or any officer of the Corporation authorised by him in this behalf is satisfied in the course of the year that there is likely to be an excess of expenditure over the budget estimates approved by the Corporation under any head, he shall examine the allotment under each head of the budget estimate with the object of ascertaining probable savings under any other head and effecting a re-appropriation. Where such re-appropriation is feasible, he may sanction the re-appropriation subject to such conditions, if any, as may from time to time be laid down by the Corporation.

6. *Preparation of accounts and production before auditors.*—Within three months of the end of each financial year, the annual accounts showing the financial results of the Corporation shall be prepared with such subsidiary accounts as may be necessary and in such form as may be prescribed by the Central Government in consultation with the Comptroller and Auditor General of India and placed before the Corporation. These accounts authenticated by affixing the common seal of and duly passed by the Corporation shall be submitted to the Central Government and the audit officer appointed by the Comptroller and Auditor General:

Provided that on a request of the Corporation, the Central Government may, in consultation with the Comptroller and Auditor General, extend the date of submission of the accounts by such period as the Central Government may think fit.

7. *Initial accounts of stores.*—Initial accounts of stores including materials on the site of works and tools and plant (including special tools and plant) shall be maintained in accordance with such instructions as may, from time to time, be issued by the Corporation.

8. *Physical verification of stores.*—A physical verification of stores and tools and plant shall be made by an officer who is not the custodian thereof. The results of such verification together with the orders of the Corporation for any shortages or excesses of stores and tools and plant shall be communicated to the Comptroller and Auditor General of India.

9. *Report of auditors.*—The auditors shall report on the annual accounts to the Corporation on such date as the Central Government, may, in consultation with the Comptroller and Auditor General of India, specify in this behalf. They shall also certify whether in their opinion, the balance sheet is a full and fair balance sheet containing all particulars and properly drawn up so as to exhibit a true and correct picture of the state of affairs of the Corporation and, in case they have called for any explanation or information from the Corporation or any of its officers, whether it has been given and whether it is satisfactory.

10. *Consideration of reports of auditors.*—The annual accounts together with the auditors' report thereon and an annual report on the work and activities of the Corporation shall be placed for adoption at a meeting of the Corporation to be held at any time before the fifteenth day of September following the close of the financial year to which the accounts relate.

11. *Authentication of annual accounts and reports.*—The annual accounts together with the auditors' report thereon and an annual report on the work and activities of the Corporation shall be signed by the members and authenticated by affixing the common seal of the Corporation. Four copies thereof shall be submitted to the Central Government not later than six months after the close of the financial year to which the accounts relate

12. *Cost of Audit.*—The cost of audit shall be paid by the Corporation within three months from the date on which the demand therefor is made by the Comptroller and Auditor General of India

13. *Publication of Accounts.*—The Corporation shall cause to be published in such manner as the Central Government may determine the annual accounts and the auditors' certificate thereon within one month of their submission to the Central Government.

14 *Impropriety or irregularity in accounts.*—(1) The auditors shall furnish the Corporation and the Central Government with a statement each, where necessary, in regard to any material impropriety or irregularity which the auditors may observe in the expenditure or in the recovery of money due to, or in the accounts of the Corporation.

(2) The Corporation shall forthwith remedy any defect or irregularity that may be pointed out by the auditors and shall report to the Central Government the action taken by it thereon within ninety days of the receipt of the report of the auditors:

Provided that, if there is any difference of opinion between the Corporation and the auditors, or if the Corporation does not remedy any defect or irregularity within a reasonable period or render a satisfactory explanation in regard to the defect or irregularity, the Central Government may, and, on reference specifically made therefor by the auditor, shall, in consultation with the Comptroller and Auditor General, pass such orders thereon as it thinks fit and the Corporation shall thereafter take action in accordance therewith within such time as may be specified by the Central Government.

### CHAPTER III

#### STATISTICS, REPORTS AND RETURNS

15. *Reports.*—(1) The annual report to be submitted by the Corporation to the Central Government under section 37 regarding its activities during the previous financial year, shall contain particulars, amongst others, in respect of the following items and shall be in such form as the Central Government may from time to time direct, namely:

- (a) routes;
- (b) operations;
- (c) traffic and sales;
- (d) passenger services;
- (e) engineering and maintenance;
- (f) staff;
- (g) organisation;
- (h) finance and accounts; and
- (i) subsidiary and associate companies.

(2) The Corporation shall also submit, along with the annual report under section 37, a separate report on the operational result of any additional service or other ancillary activity undertaken during the previous financial year in pursuance of the proviso to sub-section (2) of section 36. Every such report shall contain, subject to any addition or alteration which may be specified from time to time, particulars in respect of the following matters, namely—

- (a) the places to and from which the air transport service is operated including intermediate stops;
- (b) the number and types of the aircraft operated on the air transport service, with such particulars of the aircraft and engines as may be required; and

- (c) the number of pilots, wireless operators and other members of the aircrew employed on the service and the number of licensed ground engineers and other technical or non-technical personnel employed.

(3) The following information relating to services operated and load carried shall be supplied separately each month in relation to each route:—

(i) *Services operated:*

- (a) frequency;
- (b) number scheduled;
- (c) number and percentage completed without interruption;
- (d) number and percentage interrupted *en route* and the cause and extent of delay;
- (e) number and percentage not commenced and the causes;
- (f) number and percentage not completed and the causes;
- (g) number of unpremeditated landings, the services affected and the reasons;
- (h) regular stops overflown and the causes;
- (i) hours flown; and
- (j) miles flown.

(ii) *Load carried:*

- (a) distance, pay load (lbs.) and the number of seats normally available for each stage;
- (b) mean payload capacity operated, i.e., (sum of payloads for each stage X Mileage of stage), Total route mileage;
- (c) capacity ton/miles operated;
- (d) number of passengers carried on each stage (revenue and non-revenue separately);
- (e) passenger miles effected (revenue and non-revenue separately);
- (f) passenger ton/miles effected (revenue and non-revenue separately);
- (g) mean percentage of passenger seats occupied;
- (h) weight of passenger excess baggage carried (revenue and non-revenue separately);
- (i) excess baggage ton/miles effected (revenue and non-revenue separately);
- (j) weight of mails carried,
- (k) mail or ton/miles effected;
- (l) weight of freight (including newspapers) carried (revenue and non-revenue separately);
- (m) freight ton/miles effected (revenue and non-revenue separately);
- (n) total ton/miles effected (revenue and non-revenue separately);
- (o) mean percentage of total payload capacity filled

(iii) *Revenue earned:*

- (a) passenger revenue;
- (b) excess baggage revenue;
- (c) mail revenue;
- (d) freight revenue.

16 *Periodical returns.*—(1) The Corporation shall submit to the Central Government and to such authority as it may specify:

(a) weekly returns in regard to delays, alterations or deviations of the air transport services. Subject to any additions or alterations which may be made from

time to time, such reports shall contain information and explanatory notes in respect of the following matters, that is to say—

- (i) delays exceeding thirty minutes on the scheduled passenger air services operated on domestic air routes and on air routes to the neighbouring foreign countries;
- (ii) delays exceeding two hours on the scheduled air services operated on long-haul international routes,
- (iii) alterations or deviations of the scheduled route made for reasons other than securing the safety of crew, passengers, freight or mail; and
- (iv) cancellations of scheduled air services;

(b) monthly returns regarding the operations of the air transport services so as to reach not later than 30 days after the expiry of the month to which the return relates; such returns shall, subject to any additions or alterations which may be specified from time to time, contain information on the items mentioned in sub-rule (3) of rule 15;

(c) annual returns regarding the financial results of the Corporation during each year as soon as these are ready in such form as may be laid down by the Central Government from time to time; and

(d) periodical returns to be furnished to the International Civil Aviation Organisation in such forms as may be laid down from time to time.

(2) No information furnished in the annual return mentioned in clause (c) of sub-rule (1) shall be published or disclosed without the consent of the Corporation and if any person publishes or discloses any such information without such consent, he shall be deemed to be guilty of an offence punishable under these rules:

Provided that nothing in this sub-rule shall apply to the publication or disclosure of any information for the purpose of any legal proceeding by any person authorised by the Chairman in this behalf.

17. *Power to obtain supplementary report of information.*—Notwithstanding anything contained in rules 15 and 16, the Central Government may require special reports from the Corporation and lay down the manner and the form in which such reports shall be made or may require from the Corporation answers to questions upon which the Central Government may need information. The Central Government may also require the Corporation to furnish a true copy of each or any contract, agreement, understanding or arrangement, between the Corporation and any other carrier or person, in relation to any traffic affected by the provisions of the Act.

## CHAPTER IV

### BONDS

18. *Form of bond and the mode of transfer thereof.*—(1) Any bond issued by the Corporation shall be issued in Form I specified in the Schedule as a promissory note payable to, or to the order of, a person in denominations of Rs. 10, 50, 100, 1,000, 5,000, 10,000 and 25,000.

(2) A bond shall be transferable by endorsement and delivery, like a promissory note payable to order

(3) No endorsement of a bond shall be valid unless it is made by the holder in his own handwriting or made on his behalf by his duly constituted attorney or representative, inscribed on the back of the bond itself

(4) No writing on a bond shall be valid for the purpose of negotiation, if such writing purports to transfer only part of the amount denominated by the bond.

(5) (a) The bonds shall be issued over the joint signature of the Chairman or an officer authorised by the Chairman in this behalf (hereinafter referred to as the "authorised officer") and a member of the Corporation which may be printed, engraved or lithographed or impressed by such other mechanical process as the Corporation may direct.

(b) A signature so printed, engraved, lithographed or otherwise impressed shall be as valid as if it had been inscribed in the proper handwriting of the signatory himself.

19. *Trust not recognised.*—The Corporation shall not be bound or compelled to recognise in any way any trust or any right in respect of a bond other than an absolute right thereto in the holder.

20. *Persons disqualified to be holders.*—No minor and no person who has been found by a competent court to be of unsound mind shall be entitled to be the holder of a bond.

21. *Payment of interest.*—(1) The interest due on a bond may be paid on receipt of the bond either by post or otherwise at the head office of the Corporation in half-yearly instalments in January and July each year.

(2) The interest shall be paid by means of a cheque on a scheduled bank.

22. *Procedure when bond is lost.*—(1) Every application for the issue of a duplicate bond in place of a bond which is alleged to have been lost, stolen, destroyed, mutilated or defaced, either wholly or in part, shall be addressed to the Corporation and shall contain the following particulars, namely:—

- (a) particulars of the bond, viz., Bond for Rs. .... No. .... of the Bond.....;
  - (b) last half-year for which interest has been paid;
  - (c) the person to whom such interest was paid;
  - (d) the person in whose name the bond was issued (if known);
  - (e) the circumstances attending the loss, theft, destruction, mutilation or defacement; and
  - (f) whether the loss or theft was reported to the police.
- (2) Such application shall be accompanied by—
- (a) where the bond was lost in course of transmission by registered post, the post office registration receipt for the letter containing the bond;
  - (b) a copy of the police report, if the loss or theft was reported to the police;
  - (c) if the applicant is not the registered holder, an affidavit sworn before a magistrate testifying that the applicant was the last legal holder of the bond, and all documentary evidence necessary to trace back the title to the registered holder; and
  - (d) any portion or fragments which may remain of the lost, stolen, destroyed, mutilated or defaced bond.

23. *Notice in Gazette.*—The loss, theft, destruction mutilation or defacement of a bond or portion of a bond shall forthwith be notified by the applicant at his cost in three successive issues of the *Gazette of India* and of the local official Gazette, if any, of the State in which the loss, theft, destruction, mutilation or defacement occurred. Such notice shall be in the following form or as nearly in such form as circumstances permit, namely:—

“(“Lost”, “stolen”, “destroyed”, “mutilated”, or “defaced” as the case may be). The bond bearing No. .... of the Indian Airlines/Air India International Corporation for Rs. ...., original standing in the name of ..... and last endorsed to ....., the proprietor, by whom it was never endorsed to any other person, having been lost (stolen, destroyed, mutilated or defaced), notice is hereby given that payment of the above bond and the interest thereon has been stopped at the office of issue, and that an application is about to be made or has been made for the issue of a duplicate in favour of the proprietor. The public are cautioned against purchasing or otherwise dealing with the above mentioned bond.

Name of person notifying.

Residence.”

24. *Issue of duplicate bond and taking of indemnity.*—(1) After the publication of the notice as required by rule 23, the authorised officer shall, if he is satisfied of the loss, theft, destruction, mutilation or defacement of the bond and of the justice of the claim of the applicant, cause the particulars of the bond to be included in a list published under rule 25 and shall order the office—

(a) if only a portion of the bond has been lost, stolen, destroyed, mutilated or defaced, and if a portion thereof sufficient for its identification has been produced, to pay interest and to issue to the applicant, on execution of an indemnity bond such as is hereinafter mentioned and on payment of the prescribed fee, a duplicate bond in place of that of which a portion has been so lost, stolen, destroyed, mutilated or defaced either immediately after the publication of the list under



rule 25 or on the expiry of such period as the authorised officer may consider necessary from the date of the publication of the said list;

(b) if no portion of the bond so lost, stolen, destroyed, mutilated or defaced, sufficient for its identification, has been produced—

- (i) to pay to the applicant, one year after the publication of the said list, and on the execution of an indemnity bond in the manner hereinafter prescribed, the interest in respect of the bond so lost, stolen, destroyed, mutilated or defaced till the expiry of the period of three years as hereinafter provided; and
- (ii) to issue to the applicant on payment of the prescribed fee, a duplicate bond in place of the bond so lost, stolen, destroyed, mutilated or defaced three years after the date of publication of the said list:

Provided that:

- (i) if the date on which the bond is due for repayment falls earlier than the date on which the said period of three years expires, the authorised officer shall, within six weeks of the former date, invest the principal amount due on the bond in the Post Office Savings Bank, and shall repay this amount, *together with any interest* which may have accrued thereon in such bank to the applicant at the time when a duplicate bond would otherwise have been issued; and
- (ii) if at any time before the issue of the duplicate bond, the original bond is discovered or it appears to the office of issue for other reasons that the order should be rescinded, the matter shall be referred to the authorised officer for further consideration and in the meantime all action on the order shall be suspended. An order passed under this sub-rule shall, on expiry of the period of three years referred to become final unless it is in the meantime rescinded or otherwise modified.

(2) The authorised officer may, at any time prior to the issue of a duplicate bond, if he finds sufficient reason, alter or cancel any order made by him under this rule and may also direct that the interval before the issue of a duplicate bond shall be extended by such period, not exceeding two years as he may think fit.

(3)(i) An indemnity bond shall be for twice the face value of a bond *plus* twice the amount of interest accrued due thereon.

(ii) The authorised officer may direct that such indemnity bond shall be executed by the applicant alone or by the applicant and one or two sureties approved by him as he may think fit.

25. *Publication of list.*—(1) The list referred to in rule 24 shall be published half-yearly in the *Gazette of India* in the months of January and July or as soon thereafter as may be convenient.

(2) All bonds in respect of which an order has been passed under rule 24 shall be included in the first list published next after the passing of such order.

(3) The list shall contain the following particulars regarding each bond included therein, namely, the name of the office of issue, the number of the bond, its value, the name of the persons to whom it was issued, the date from which it bears interest, the name of the applicant for a duplicate, the number and date of the order passed by the authorised officer for payment of interest or issue of a duplicate, and the date of publication of the list in which the bond was first included.

26. *Determination of a mutilated bond as a bond requiring renewal.*—The authorised officer shall determine whether a bond which has been mutilated or defaced requires the issue of a duplicate under rule 24 or a renewal under rule 27.

27. *When a bond is required to be renewed*—(1) A holder of a bond may be required by the authorised officer to submit the same for renewal in any of the following cases, namely:—

- (a) if only sufficient room remains on the back of the bond for one further endorsement or if any word is written upon the bond across the existing endorsement or endorsements; or
- (b) if the bond is, in the opinion of the authorised officer, torn or in any way, damaged or crowded with writing or clumsy; or
- (c) if any endorsement is not clear and distinct or does not indicate the payee or payees, as the case may be, by name or is made otherwise than in one of the endorsement cages on the back of the bond; or

- (d) if the interest or the bond has remained undrawn for three years or more; or
- (e) if the bond having been enfaced three times for payment of interest is presented for re-enfacement; or
- (f) if in the opinion of the office of issue, the title of the person presenting the bond for payment of interest is irregular or not fully proved.

(2) When a requisition for renewal of a bond has been made under sub-rule (1) payment of any further interest thereon shall be refused until it is submitted for renewal and actually renewed.

28. *Person whose title to a bond of a deceased sole holder may be recognised.*—

(1) The executors or administrators of a deceased sole holder of a bond (whether a Hindu, Mohammedan, Parsi or otherwise) and the holder of a succession certificate issued under Part X of the Indian Succession Act, 1925 (XXXIX of 1925) in respect of the bond shall be the only persons who may be recognised by the office of issue (subject to any general or special instructions of the authorised officer) as having any title to the bond.

(2) Notwithstanding anything contained in section 45 of the Indian Contract Act, 1872 (IX of 1872), in the case of a bond issued, sold or held payable to two or more holders jointly, the survivors or survivor, and on the death of the last survivor, his executors, administrators, or any person who is the holder of a succession certificate in respect of such bond shall be the only person who may be recognised by the Corporation (subject to any general or special instructions of the authorised officer) as having any title to such bond:

Provided that nothing in this rule shall effect any claim which any representatives of a deceased holder of such bond may have against the survivors or survivor or his executors or administrators under or in respect of any bond to which this sub-rule applies

(3) The Corporation shall not be bound to recognise such executors or administrators unless they shall have obtained probate or letters or administration or other legal representation, as the case may be, from a competent court:

Provided nevertheless that in any case where the authorised officer shall in his absolute discretion think fit, it shall be lawful for him to dispense with the production of probate, letters of administration or other legal representation upon such terms as to indemnity or otherwise as he may think fit.

29. *Receipt for renewal etc.*—(1) Subject to any general or special instructions of the authorised officer, the Corporation, by its order, on the application of the holder, on his delivering the bond or bonds and on his satisfying the Corporation regarding the justice of his claim, renew, sub-divide or consolidate a bond or bonds provided the bond or bonds has or have been receipted in Form II, III or IV, as the case may be, and the fee laid down by the Corporation in this behalf has been paid.

(2) The Corporation may, under the orders of the authorised officer, require the applicant for renewal, sub-division or consolidation of a bond under sub-rule (1) to execute a bond in Form V with one or more sureties approved by such authorised officer.

30. *Renewal of bond in case of dispute as to title.*—Where there is a dispute as to the title to a bond in respect of which an application for renewal has been made the authorised officer may—

(a) Where any party to the dispute has obtained a final decision from a court of competent jurisdiction declaring him to be entitled to such bond, issue a renewed bond in favour of such party, or

(b) refuse to renew the bond until such a decision has been obtained.

*Explanation.*—For the purposes of this rule, the expression 'final decision' means a decision which is not appealable or a decision which is appealable but against which no appeal has been filed within the period of limitation allowed by law.

31. *Liability in respect of bond renewed.*—When a duplicate bond or a renewed bond has been issued or a new bond has been issued upon sub-division or consolidation under rule 29 in favour of a person, the bond so issued shall be deemed to constitute a contract between the Corporation and such person and all persons deriving title thereafter through him.

32. *Discharge.*—The Corporation shall be discharged from all liability in respect of the bond or bonds paid on maturity or in place of which a duplicate, renewed, sub-divided or consolidated bond or bonds has or have been issued

33. *Cessation of payment of interest.*—A person to whom the Corporation has offered the face value of a bond shall cease to be entitled to payment of any interest on the value of the bond after the expiry of thirty days from the date of the offer if he fails to accept payment of the amount within that period.

34. *Discharge of a bond.*—When a bond becomes due for payment of principal, the bond shall be presented at the office of the Corporation duly signed by the holder on its reverse.

35. *Fees.*—A fee not exceeding half percentum of the face value shall be paid in respect of each new bond issued on renewal, sub-division or consolidation under rule 29, and also in respect of a duplicate bond.

## CHAPTER V

### TRAINING OF OPERATIONAL STAFF

36. *Provision of courses for theoretical and practical training.*—The Corporation shall arrange for theoretical and practical training of its flying crew, maintenance and operational staff and its technical personnel in consultation with the Director General of Civil Aviation:

Provided that the Corporation may, in its discretion, admit other persons also to undergo such courses of training.

37. *Liability of an employee to undergo training and test.*—An employee of any of the categories specified in rule 36 when called upon by the Corporation to do so, shall undergo such courses of training, examination and tests, whether practical or theoretical, written or oral, as may from time to time be laid down by the Corporation.

38. *Deputation for specialised training.*—(1) The Corporation may, in its discretion, or if so desired by the Central Government, shall depute any of its employees for specialised training to a technical institution either in India or abroad. The employees shall undergo and satisfactorily complete the course of training in such institution.

(2) An employee selected for a specialised training shall, if so required by the Chairman before the commencement of training, execute an agreement binding himself to serve the Corporation for such minimum period on the completion of his training as the Chairman may require, or in the alternative to refund to the Corporation the sums paid by the Corporation to him during the period of his training, whether as salary, stipends, fees, travelling expenses, or otherwise.

39. *Levy of fees.*—No fee shall be charged or levied by the Corporation in respect of courses of training provided, or examinations and tests conducted, for their employees and connected with the nature of duties assigned to such employees:

Provided that nothing herein contained shall restrict the right of the Corporation to levy the prescribed fees in respect of persons other than its employees.

40. *No fees for testing the proficiency of an employee for the performance of assigned duties.*—No fee shall be charged for any examination or test conducted by the Corporation for testing the proficiency of an employee of the Corporation for the performance of duties assigned to him.

41. *Payment of stipends and allowances during training.*—The Corporation shall pay such stipends and allowances in addition to the normal emoluments as may be specified from time to time whenever an employee of the Corporation is deputed for training either in India or abroad.

42. *Selection of candidates for undergoing training.*—The Selection of candidates, not in the service of the Corporation, for undergoing courses of training established by the Corporation or arranged for either in India or abroad shall be made by one or more selection boards to be nominated by the Corporation in consultation with the Director General of Civil Aviation:

Provided that nothing contained herein shall restrict the right of the Corporation to nominate separate selection boards for selecting employees of the Corporation for different courses of training.

## CHAPTER VI

43. *Interference with the property and employees of the Corporation.*—(1) Save as otherwise authorised under the provision of any law for the time being in force, no person shall, directly or indirectly, interfere with or cause interference with the operation of any air transport service or with any property of the Corporation or interfere with or obstruct a member of the operating crew of an aircraft in the performance of his duty or tamper with the aircraft or its equipment or conduct himself in a disorderly manner in an aircraft or commit any act likely to imperil the safety of an aircraft or its passenger or crew.

(2) Any person who contravenes any of the provisions of this rule shall be punishable in respect of every such contravention with imprisonment which may extend to three months or with fine which may extend to rupees one thousand or with both.

(3) Notwithstanding the contract of carriage, the pilot in command of an air transport service may refuse to carry any person in the aircraft if such person tampers with the aircraft or its equipment or commits any act likely to imperil its safety.

## CHAPTER VII

## AIR TRANSPORT COUNCIL

44. *Term of Office.*—The term of office of the Chairman or any other member of the Air Transport Council (hereinafter referred to as the Council) shall be for a period of three years commencing from the date on which the appointment of the Chairman or other member is notified in the official Gazette:

Provided that the Chairman or other member shall, notwithstanding the expiry of the said period, continue to hold office until the appointment of his successor is so notified.

45. *Resignation.*—The Chairman or any other member of the Council may, at any time, by notice in writing under his hand addressed to the Central Government, resign his office:

Provided that such resignation shall take effect from the date on which it is accepted by the Central Government.

46. *Restriction on a member considering representation in which he is interested in his personal capacity.*—No member of the Council shall sit to consider a representation or question if, in respect of the matters to which the representation or question relates, he has, in his personal capacity, any special interest such as may tend to interfere with his impartial consideration of the representation or question and any member having such special interest shall notify the same to the Central Government and the Council immediately on the representation being made or the question being referred to the Council, as the case may be.

47. *Removal of the Chairman and members.*—The Central Government may, by notification in the official Gazette, remove from office the Chairman or any other member of the Council who:

- (i) in the opinion of the Central Government, has failed or is unable to carry out his duties, or
- (ii) without sufficient cause is absent from three consecutive meetings of the Council.

48. *Temporary absence of a member.*—If any member is by infirmity or otherwise rendered temporarily incapable of carrying out his duties or is absent on leave or otherwise in circumstances not involving the vacation of his appointment, the Central Government may appoint another person to act in his place.

49. *Eligibility for re-appointment.*—A member of the Council who ceases to be a member shall be eligible for re-appointment.

## CHAPTER VIII

*Functions of the Advisory Committee*

50. (1) The Advisory Committee constituted under sub-section (1) of section 41 may, in addition to such matters as may be referred to it by the Corporation, also advise the Corporation in respect of the following matters, namely:—

- (i) provision of amenities for air travellers;
- (ii) improvement of services and facilities provided by the Corporation;

- (iii) time-tables of air services;
- (iv) extensions or improvements of the existing projects;
- (v) proposals relating to opening of new air stations; and
- (vi) any other matter of general public interest or public convenience:

Provided that matters relating to the staff, discipline and appointment shall not be referred to the Committee for advice.

## CHAPTER IX

### LABOUR RELATIONS COMMITTEE

51. *Constitution.*—(1) (a) A Labour Relations Committee shall be constituted by each of the Corporations consisting of such equal number of representatives of the Corporation and of its employees, which shall not be less than six and not more than twelve, as the Corporation may, from time to time, by resolution, determine.

(b) It shall be the duty of the Labour Relations Committee to advise the Corporation on all matters which relate to the welfare of the employees or which are likely to promote and secure amity and good relations between the two. If there is any difference of opinion between the Corporation and the Committee on any question as to whether or not any particular matter relates to the welfare of the employees or is one which is likely to remote and secure amity and good relations between the Corporation and its employees, the opinion of the Corporation shall prevail.

(2) (a) The tenure of office of a member of the Committee shall be two years but an outgoing member shall be eligible for being re-elected.

(b) If any casual vacancy occurs in the office of a member of the Committee, the Corporation shall, as soon as may be after the occurrence of the vacancy and subject always to the provisions of sub-rules (3) and (4), appoint a person to fill the vacancy from among its own representatives or representatives of its employees, according as the member causing the casual vacancy was a representative of the Corporation or, as the case may be, a representative of its employees and every member so appointed shall continue in office for the unexpired term of his predecessor.

(3) The Corporation shall nominate its own representatives on the Committee.

(4) The representatives of employees on the Committee shall be elected by the employees of the Corporation by means of a secret ballot from amongst themselves working in the various units and for the purposes of the same, the Corporation shall divide the employees into six units:

Provided that the representatives of the employees shall be so elected as to ensure a representation to each of the units.

(5) (a) The officers of the Committee shall include—

- (i) a Chairman; and
- (ii) a Secretary;

(b) The principal executive officer of the Corporation in charge of labour welfare shall be entitled to attend all meetings of the Committee and shall also have the right to speak at, and otherwise take part in, any meeting of the Committee but shall not be entitled to vote or move any resolution, if he is not a member thereof.

(6) The Chairman of the first Labour Relations Committee shall be the Chairman of the Corporation or a member of the Committee appointed by the Chairman in this behalf. Thereafter the Committee shall elect one of its members to be the Chairman of the Committee, so however, that a representative of the Corporation or a representative of its employees is the Chairman of the Committee in alternate years.

(7) The Secretary of the Committee shall be elected by the Committee for a period of one year from amongst the representatives of the Corporation and of the employees, so however, that if, in any term, the Chairman of the Committee is a representative of the Corporation, the Secretary for that term shall be a representative of the employees of the Corporation to be elected from amongst its own number and vice-versa.

(8) The Committee may constitute one or more *ad hoc* sub-committees as it thinks fit to inquire into any matter and submit its report to the Committee or may appoint a Standing and Branch or Regional sub-committee and entrust to it such functions and duties as the Committee may with the previous approval of the Corporation direct.

52. *Functions of officers.*—(1) The Chairamn of the Committee shall ordinarily preside over meetings and shall exercise general control and supervision. He shall also decide all questions of order at the meeting.

(2) In the absence of the Chairman any other member elected by the members present shall preside at a meeting.

(3) The Secretary shall keep a record of the minutes of meetings.

53. *Meetings.*—(1) Meetings shall ordinarily be held at least once in two months at the headquarters of the Corporation or at such other places as the Chairman of the Corporation or the Committee may determine. If and when necessary, special meetings may be convened by the Chairman.

(2) A special meeting shall be held at a fortnight's notice on a requisition made by at least five members of the Committee, for consideration of any urgent matter.

54. *Attendance at meetings.*—(1) The members of the Committee shall be considered to be on duty for the period of attendance at meetings of the Committee or while doing any other work for, and on behalf of the Committee and shall be paid the usual travelling and daily allowances and wages, including other allowances, for such period.

(2) Any member who fails to attend three consecutive meetings shall forfeit his membership, unless the Committee decides otherwise. This provision shall not apply to the Chairman.

55. *Agenda and notice for meeting.*—(1) The agenda for each meeting shall be drawn up by the Secretary under the Chairman's directions and the same shall be supplied to each member of the Committee along with the notice of the meeting at least a week before the meeting, except in the case of a special meeting. Members desiring to raise any question should send notice in advance along with a memorandum. It shall be included in the agenda if approved by the Chairman.

(2) Business other than that appearing in the agenda shall be considered at any meeting, only with the permission of the Chairman. The presence of a majority of members from each side of the Committee, that is to say, from among the representatives of the Corporation and representatives of the employees, shall be necessary to constitute a quorum. No quorum shall be necessary for an adjourned meeting.

56. *Facilities for the meeting.*—Accommodation for holding meetings and all other facilities necessary for the functioning of the Committee shall be provided by the Corporation.

57. *Administration and working.*—(1) The Chairman of the Committee shall be in the administrative charge of the Committee office, records, and equipment of the Committee.

(2) The Secretary shall assist the Chairman in the administration and working of the Committee's office.

58. *Proceedings and decisions of the Committee.*—(1) All questions brought before any meeting of the Committee shall be decided by a majority of the members of the Committee present and voting before which the matter is brought and in the case of equality of votes, the Presiding authority at the meeting shall have a second or casting vote.

(2) The functions of the Committee shall be purely advisory and the Corporation may or may not accept any advice tendered to it by the Committee.

(3) Minutes of meetings shall be drawn up by the Secretary and after approval by the Chairman, he shall send a copy of the same to each member.

(4) It shall be lawful for the Committee to give such publicity to all important matters relating to the welfare of the employees of the Corporation as the Corporation may from time to time direct.

## CHAPTER X

### PENALTIES

59. If any person contravenes any provision of these rules other than the rules for the contravention of whose provision separate penalty has been provided in such rules, he shall be punishable with fine which may extend to one thousand rupees.

### THE SCHEDULE

#### FORM I

[See rule 18]

#### Bond

No..... Rs.....

Indian Airlines

Air-India International

3½ per cent. Bonds 1954.

Issued in pursuance of section 27 of the Air Corporations Act, 1953, (27 of 1953), and guaranteed by the Central Government as to the repayment of the principal and the payment of interest in terms of that section.

The Indian Airlines, in consideration of value of assets taken over, Air-India International does hereby promise to pay to..... OR ORDER on demand at the office of the Indian Airlines on any day between

Air-India International  
the 1st day of August, 1958, and the 27th day of January, 1959, the sum of Rs..... and to pay interest on such sum from the 1st day of August, 1953, to the date on which the same shall become payable as aforesaid, at the rate of three and a half per cent. per annum, such interest to be paid by equal half-yearly payments on the 1st day of January and on the 1st day of July in every year.

This bond is transferable by endorsement.

FOR INDIAN AIRLINES the 1st July, 1953, Chairman or AIR-INDIA INTERNATIONAL authorised officer..... Member. Rs..... No..... All endorsements upon this bond must be clear and distinct. All endorsements if not made in the English language must be translated into English immediately below the endorsement.

Receipts for interest are not required on this bond.

Cross endorsements are inadmissible.

Receipts for interest are not required on this bond. Cross endorsements are inadmissible.

Principal amount Rs.

Interest payments at Rs. per half year.

Interest cags to be printed.

Received in lieu hereof a renewed bond payable to ..... with interest payable at .....

Holder's signature.....

These spaces are reserved for endorsement and each endorsement should be written within the space allotted.

This bond can be renewed at any time at the option of the holder on payment of the prescribed fee. Should this bond bear no endorsement (other than the renewal endorsement) when the interest column has been exhausted, no renewal fee will be charged.

FORM II

[See rule 29(1)]

*Form of endorsement for renewal of a bond*

Received in lieu hereof a renewed bond payable to (name of holder), with interest payable at the office of the Corporation.....

Signature of the holder/duly authorised representative of (name of holder)....  
.....

FORM III

[See rule 29(1)]

*Form of endorsement for sub-division of a bond*

Received in lieu thereof .....bonds Nos..... for Rs... .....  
respectively, payable to (name of holder).....with interest payable  
at the office of the Corporation.

Signature of the holder/duly authorised representative of (name of holder)  
.....

FORM IV

[See rule 29(1)]

*Form of endorsement for consolidation of bonds.*

Received in lieu hereof a new bond payable to (name of holder) for  
Rs.....by consolidation with bond or bonds Nos.....(mentioning  
the numbers and amounts of the other bonds desired to be consolidated with it  
and specifying the issue) with interest payable at the office of the Corporation.

Signature of the holder/duly authorised representative of (name of holder)  
.....

FORM V

[See rule 29(1)]

Know all men by these presents that we \_\_\_\_\_

\_\_\_\_\_  
Son of \_\_\_\_\_ (a) Principal  
Resident of \_\_\_\_\_  
and \_\_\_\_\_  
Son of \_\_\_\_\_  
Resident of \_\_\_\_\_  
and \_\_\_\_\_  
Son of \_\_\_\_\_  
Resident of \_\_\_\_\_ (b) Sureties

hereby bind ourselves and each of us, our and each of our heirs, executors,  
administrators and representatives and all of them jointly and severally to the  
Corporation for payment of the sum of Rs.....to the said Corpora-  
tion, its certain attorneys, successors and assigns.

AND I/each of us the said.....hereby covenant with the said  
Corporation that if any suit shall be brought touching the subject matter of this  
obligation or the condition hereunder written in any competent court, the same  
may, at the instance of the said Corporation be removed unto, tried and deter-  
mined by, the High Court to which the Court may be subordinate.

WHEREAS the said.....(a) has applied to the Corporation for  
the renewal/consolidation/sub-division of the bond (bonds) issued by the said  
Corporation mentioned in the schedule hereto.



AND WHEREAS the said Corporation have consented and agreed to accept the said application on the said

(a) Principal with two good and sufficient sureties entering into and executing the above written bond subject to the condition hereunder written;

AND WHEREAS the above bounden \_\_\_\_\_ (and) \_\_\_\_\_\*at the request of the said \_\_\_\_\_ (a) has (have) agreed to become surety (sureties) for (a) and to join with the said \_\_\_\_\_ (a) in executing the above written bond.

NOW the condition of the above written bond is such that if the above bound-  
 en (b) or each of them or their heirs,  
 executors (b) Names of the Principal and sureties of (a) administrators or rep-  
 resentatives or any or either of them shall from time to time and at all times  
 hereafter effectually save, defend, keep harmless and indemnified the said  
 Corporation from and against the claims and demands of all persons claiming to  
 be entitled to the bond (bonds) issued by the said Corporation mentioned in the  
 schedules hereto or to any interest thereon and of all other persons whomsoever  
 in respect of the said bond (bonds) or the renewal thereof or the payment of  
 any interest thereon and from and against all damages, losses, costs, charges and  
 expenses which the said Corporation may sustain, incur or be liable to for or in  
 consequence of any such claim or demand or by reason of the issue of renewed  
 bond (bonds) as aforesaid or the payment of any interest due on the said bond  
 (bonds) or renewed bond (bonds) then the above written bond shall be void but  
 otherwise the same shall remain in full force and effect.

Signed and delivered by\_\_\_\_\_

in the presence of \_\_\_\_\_  
and of \_\_\_\_\_

Date:

**The Schedule herein referred to**

| Nature and description of the bond | Number | Date of issue | Amount |
|------------------------------------|--------|---------------|--------|
|                                    |        |               |        |

\*If there are two sureties.

[No. 14-CAG(15)/53.]

**B. N. JHA, Secy.**

**MINISTRY OF LABOUR**

New Delhi, the 27th November 1954

**S.R.O. 3521.**—In exercise of the powers conferred by sub-clauses (1) and (3) of clause 4 of the Bombay Dock Workers (Regulation of Employment) Scheme, 1951, and in partial modification of the Notification of the Government of India in the Ministry of Labour, No. S.R.O. 1259, dated the 8th April, 1954, the Central Government hereby appoints Shri K. A. Dubash, a representative of the Bombay Stevedores Association, as a member representing the employers of dock workers and shipping companies in the Bombay Dock Labour Board, *vice* Shri D. A. Dhunibhoy resigned.

[No. Fac. 73(69).]

New Delhi, the 29th November 1954

**S.R.O. 3522.**—In pursuance of section 10 of the Employees' State Insurance Act, 1948 (XXXIV of 1948), the Central Government hereby directs that the following further amendments shall be made in the Notification of the Government of India in the Ministry of labour No. S.R.O. 1209, dated the 6th April, 1954, namely:—

In the said notification—

(1) items (20) to (28) shall be renumbered as items (21) to (29) respectively; and

(2) after item (19), the following item shall be inserted, namely:—

“(20) Dr. B. N. Sharma, M.B.B.S., F.A.C.S., F.V.A.S., Director of Medical & Health Services, Rajasthan, Jaipur.”

[No.SS.121(84).]

New Delhi, the 30th November 1954

**S.R.O. 3523.**—In exercise of the powers conferred by sub-clauses (1) and (3) of clause 4 of the Madras Dock Workers (Regulation of Employment) Scheme, 1952, the Central Government hereby directs that the following further amendment shall be made in the notification of the Government of India in the Ministry of Labour, No. S.R.O. 1416, dated the 14th July 1953, namely:—

In the said notification under the heading “Representatives of employers and shipping companies”, in items (3) and (4), for the entries “Shri C. Machado” and “Shri J. R. Galloway”, the entries “Shri J. N. Lobo” and “Shri E. F. G. Hunter” shall be respectively substituted.

[Amendment No. 2]

[No. Fac.76(2).]

K. N. NAMBIAR, Under Secy.

New Delhi, the 29th November 1954

**S.R.O. 3524.**—In exercise of the powers conferred by sub-section (1) of section 4 of the Dock Workers (Regulation of Employment) Act, 1948 (IX of 1948), the Central Government hereby directs that the following further amendments shall be made in the Calcutta Dock Workers (Regulation of Employment) Scheme, 1951, the same having been previously published as required by the said sub-section, namely:—

In clause 36 of the said Scheme—

(i) After sub-clause (2), the following clauses shall be inserted, namely:—

“(2A) Where in a case reported to the Special Officer under sub-clause (2) he is of opinion that the act of indiscipline or misconduct is so serious that the worker should not be allowed to work any longer, the Special Officer may, pending investigation of the matter and the passing of orders thereon under sub-clause (2), by order in writing delivered to the workers, suspend him.

(2B) Where a worker has been suspended by an order under sub-clause (2A), he shall for the period of suspension be paid a subsistence allowance equivalent to the attendance wages provided in clause 24, and such allowance shall not be recoverable or liable to forfeiture in any case whatsoever:

Provided that where a worker is found not guilty, he shall be entitled to such payments as he would have received under clause 34, the period of suspension being treated as excused attendance for the purpose of that clause:

Provided further that where subsistence allowance has been paid during a particular period, attendance wages under clause 24 shall not be payable in respect of that period.”

(ii) In sub-clause (4), for the expression “sub-clauses (1) and (2)”, the expression “sub-clauses (1), (2) and (2A)” shall be substituted.

[No. Fac. 74(25).]

TEJA SINGH SAHNI, Dy. Secy.

*New Delhi, the 29th November 1954*

**S.R.O. 3525.**—In exercise of the powers conferred by clause (i) of sub-rule (2) of rule 21 of the Minimum Wages (Central) Rules, 1950, the Central Government hereby specify the acts and omissions in respect of which fines may be imposed as follows, namely:—

- (1) Absence from duty without leave without sufficient cause [fine may be imposed only as an alternative to the deduction permissible under clause (ii) of sub-rule (2) of rule 21].
- (2) Negligence in work or neglect of work.
- (3) Smoking on the premises of the work place except in places where smoking is permitted.
- (4) Entering or leaving, or attempting to enter or leave, the premises except by the gate provided for the purpose.
- (5) Absence without leave or without sufficient cause from appointed work in the establishment.
- (6) Breach of any rules or instructions for the maintenance and running of any department and maintaining its cleanliness.
- (7) Damage to work in process or to any other property of the employer.
- (8) Interference with any safety devices installed in the premises.
- (9) Distributing or exhibiting inside the premises handbills, pamphlets or posters without the previous sanction of the employer.
- (10) Misconduct (fine may be imposed only as an alternative to a heavier permissible punishment).

[No. LWI-68(7)54.]

A. P. VEERA RAGHAVAN, Under Secy.

*New Delhi, the 29th November 1954*

**S.R.O. 3526.**—In pursuance of sub-section (3) of section 14 of the Employees' Provident Funds Act, 1952 (XIX of 1952), the Central Government hereby specifies the Commissioner for the Employees' Provident Fund appointed under sub-paragraph (1) of paragraph 19 of the Employees' Provident Funds Scheme, 1952, as the authority to issue the sanction referred to in the said sub-section for the State of Delhi in relation to a factory other than one engaged in a controlled industry or in an industry connected with a mine or an oilfield.

[No. PF-43(4)54-II.]

*New Delhi, the 30th November 1954*

**S.R.O. 3527.**—In exercise of the powers conferred by section 19 of the Employees' Provident Funds Act, 1952, the Central Government hereby directs that the powers exercisable by it as the appropriate Government under sub-section (3) of section 14 of the said Act to specify the authority to issue the sanction referred to in the said sub-section shall also be exercisable within each of the States specified in the Schedule annexed hereto by the respective Government of each such State.

#### SCHEDULE

1. Andhra.
2. Bihar.
3. Bombay.
4. Hyderabad.
5. Madras.
6. Mysore.
7. Madhya Pradesh.
8. Madhya Bharat.
9. Orissa.
10. Patiala and East Punjab States Union.
11. Punjab.

12. Rajasthan.
13. Saurashtra.
14. Travancore-Cochin.
15. Uttar Pradesh.
16. West Bengal.

[No. PF.43(4)/54.]

**S.R.O. 3528.**—In exercise of the powers conferred by section 19 of the Employees' Provident Funds Act, 1952 (XIX of 1952), the Central Government hereby directs that the powers exercisable by it as the appropriate Government under section 14B of the said Act shall also be exercisable within each of the States specified in the Schedule annexed hereto by the respective Government of each such State.

#### SCHEDULE

1. Andhra.
2. Bihar.
3. Bombay.
4. Hyderabad.
5. Madras.
6. Mysore.
7. Madhya Pradesh.
8. Madhya Bharat.
9. Orissa.
10. Patiala and East Punjab States Union.
11. Punjab.
12. Rajasthan.
13. Saurashtra.
14. Travancore-Cochin.
15. Uttar Pradesh.
16. West Bengal.

[No. PF.43(4)/54-I.]

A. NARAYANAN, Under Secy.

*New Delhi, the 29th November 1954*

**S.R.O. 3529.**—In pursuance of section 17 of the Industrial Disputes Act, 1947 (XIV of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Dhanbad, in the industrial dispute between the employers in relation to the Lodna Colliery Co. (1920) Ltd., Jharia, and their workmen in the Lodna group of collieries.

#### CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL AT DHANBAD

REFERENCE No. 5 of 1954

#### PRESENT

Shri L. P. Dave, B.A.L.L.B.—*Chairman.*

#### PARTIES

The employers in relation to the Lodna Colliery Company (1920) Limited, Jharia.

AND

Their workmen.

#### APPEARANCES

Shri Sankar Banerjee, Counsel, and Shri D. Basu Thakur, Solicitor, M/s. Crr Digmam & Co.—*For the employers.*

Shri P. D. Kamerkar, Vice President, Koyala Mazdoor Panchayat; Shri B. R. Sharma; Vice President, Koyala Mazdoor Panchayat; Shri

B. P. Sinha, Vice-President, Bihar Colliery Mazdoor Sangh, Lodna Branch and Shri N. N. Sinha, Assistant Secretary, Bihar Colliery Mazdoor Sangh, Lodna Branch—*For the workmen.*

#### AWARD

By Government of India, Ministry of Labour, Order No. LR.2(16)/54, dated 20th April 1954, an industrial dispute existing between the employers in relation to the Lodna Colliery Company (1920) Limited, Jharia, and their workmen in the Lodna Group of Collieries in respect of following matters was referred for adjudication to this Tribunal. The matters referred to were as under:—

- (1) Re-instatement of the workmen who were working before the strike in February 1954 and who reported for work on or after the 19th March 1954;
- (2) Payment of wages or grant of any other relief to the workmen not allowed to resume work;
- (3) Re-instatement of the workmen who reported for work after the 28th December 1953.

2. Notices were issued to the parties. The Koyala Mazdoor Panchayat, for and on behalf of the workers concerned in the dispute, filed their written statement Exhibit 6 on 28th June 1954. The Bihar Colliery Mazdoor Sangh, Lodna Branch, also filed a written statement Exhibit 13 on behalf of the workmen on 13th August 1954. The management's replies to these two written statements were filed at Exhibits 9 and 15 on 26th July 1954 and 24th August 1954 respectively.

3. The matter was then fixed for hearing on 14th September 1954. An objection was raised by the Koyala Mazdoor Panchayat against the appearance of Bihar Colliery Mazdoor Sangh and a similar objection was raised by the Bihar Colliery Mazdoor Sangh against the appearance of the Koyala Mazdoor Panchayat. The objection were heard and both the Bihar Colliery Mazdoor Sangh and the Koyala Mazdoor Panchayat were allowed to appear on behalf of the workmen.

4. The case was then opened on behalf of the Koyala Mazdoor Panchayat; but time was asked for submitting a detailed statement regarding the workman concerned in this dispute. Time was granted till the following day, on which day certain list of workmen were filed by the Koyala Mazdoor Panchayat. The management wanted time to check these lists. The Bihar Colliery Mazdoor Sangh had also not filed a list of workmen. The matter was thereupon fixed for hearing on 15th November 1954 and in the meanwhile the parties were asked to file their statements and objections etc.

5. On 27th September 1954, while the Tribunal was holding its sittings at Bangalore, a memorandum of compromise Exhibit 26 entered into between the parties was produced and was admitted by the representatives of the parties before the Tribunal. As the records and proceedings in the matter were lying at the Headquarters of the Tribunal, no orders were passed in the matter at Bangalore. The Tribunal returned to Headquarters on 11th October 1954, on which date the Koyala Mazdoor Panchayat gave an application Exhibit 27 requesting that the Tribunal should withhold its consent to the above agreement and should not pass an award in terms thereof. Though an attempt was made to hear the application immediately, it could not be done because of the inconvenience of one or the other parties. The matter was then ultimately fixed for hearing on 17th November 1954. On that date, after some discussion, the parties arrived at a settlement and produced a memorandum of settlement Exhibit 32, stating that the terms set forth therein should be treated as part of the settlement dated 18th September 1954 which had already been filed before the Tribunal and that an award in terms thereof should be passed.

6. There was a strike at the Lodna Colliery in November 1953. It appears that at the intervention of the Chief Labour Commissioner, some terms were agreed upon both by the management and the workers represented by the Koyala Mazdoor Panchayat. It also appears that the workmen agreed to resume work and the management agreed to allow these workmen who reported for work upto 28th December 1953 to resume work. It further appears that several workmen reported for work before 28th December 1953 while some did not do so till that date, and that the management did not allow

workmen who came after 28th December 1953 to resume work. It then appears that there was again a strike at some pits of the colliery on 8th February 1954 and that the strike extended to other pits on 19th February 1954. The workmen allege that they terminated the strike on the advice of the Chief Labour Commissioner and reported for work on and after 19th March 1954 but the management refused to allow them to resume work. The present reference deals with the cases of workmen who reported for work after 28th December 1953 and also workmen who were working at the colliery before February 1954 and who reported for work on and after 19th March 1954. Under the terms of the settlement, the management have agreed to take back all the genuine workers who were in the employment of the company on 14th November 1953. The compromise then deals with the procedure in deciding as to who are genuine workers. The compromise also lays down as to where the different workmen are to be employed and as to which of them would if necessary be transferred. The workmen have on the other hand given up their claim for compensation and/or for wages. In my opinion, the compromise is fair and reasonable.

I therefore pass an award in terms of the compromises dated 18th September 1954 and 17th November 1954, copies of which are annexed herewith.  
The 18th November 1954.

(Sd.) L. P. DAVE, *Chairman*.

Central Government Industrial Tribunal, Dhanbad.

#### EXHIBIT 26

##### *Terms of Settlement*

1. The company will take back all genuine workers provided such workers were in the employment of the company on November 14, 1953. All such workers shall register their claims with the Company within twenty-one days from the signing and filing of this agreement before the Honourable Tribunal. The company shall decide the genuineness of each claim within a fortnight of its registration. The workers who claim to be reinstated shall have to be identified by another worker whose name appears in the company's list of workers entitled to provident fund and who is still in the employment of the company. In the event of a dispute as to identity of a worker or workers claiming to be reinstated, Mr. Cecil Evans will act as an Arbitrator and his decision will be final. The events that have taken place after November 14, 1953, shall not constitute break in the service of the workmen so taken.

2. As the battery No. 2 of the Coke Plant has been closed down due to damages caused to it the company will offer alternative jobs to the Coke Plant workers in the company's Collieries. Should however, battery No. 2 resume full production, these employees of the Coke Plant shall be offered their former jobs in the Coke Plant to the extent possible. If any vacancy arises in the Coke Plant, the workers of the Coke Plant shall get preference. The clerical staff and supervisory staff of the Coke Plant will get "Laid-off" compensation or retrenched at the option of each as provided in the Industrial Disputes Amendment Act. No alternative job can be given to them.

3. The genuine employees who will be taken back as stated above shall be given work in any of the company's mines but those amongst them who have worked in Lodna and Bagdigi colliery for 720 days will have the right to have their cases specially considered for employment in Lodna and Bagdigi Mines. The worker who will be appointed will be provided as far as possible with the similar sort of employment which he was doing during the course of his employment.

4. Clauses 26 and 27 of the company's standing order should be read subject to paragraph 5 of Joshi Settlement dated 19th December 1953 which is as follows:—

"Surplus workers, if any, in any mine may be transferred to any other mine of the company on the principle that junior most workers shall be selected first provided, however, if senior workers desire to be transferred they should be given the first option. Adequate notice shall be given to the workers who are to be so transferred. When the mine from which the workers have been transferred requires more workers of the particular category the transferred workers shall be given the first choice in order of the dates of their seniority in service. In case of such vacancy in such colliery the same shall be notified in advance."

5. Workers who are sentenced for a period of not more than six months will be entitled to apply for re-employment to Mr. Cecil Evans and his decision shall be final. Workers convicted under Section 144 of the Criminal Procedure Code and 9 B.M.P. shall not be required to approach Mr. Cecil Evans but shall be entitled to approach the company directly within twenty one days of their release. Those in jail as under-trial prisoners and acquitted subsequently shall approach the company directly within twenty one days of their release.

6. The company will decide whether the applicant is a genuine worker or not within a fortnight from the date when the claim is so registered. If the company takes longer time to come to a decision that the worker is genuine the worker will be deemed to have been appointed after the expiry of a fortnight from the date when he registers his claim provided the worker is found genuine.

7. That no employee who will be taken back shall get any compensation and/or wages on any account whatsoever.

8. It is agreed that the company will withdraw the proceedings commenced by it under Section 33 of the Industrial Disputes Act against the employees of Lodna Group of Collieries, Jharla.

9. It is agreed that the proceedings started by the workers against the company under Section 33A of the Industrial Disputes Act will likewise be withdrawn by them forthwith and the parties agree that they will make such applications or execute such documents necessary for the purpose of the withdrawal of the cases.

10. The dispute now pending before the Honourable Tribunal and with reference to which an order was made dated, the 20th April 1954, by the Government of India and covered by the Notification No. LR.2(16)/54 dated the 20th April 1954 is disposed of on the terms set forth above.

For and on behalf of  
Lodna Colliery Co. (1920) Ltd.  
Turner Morrison & Co. Ltd.,  
By its constituted Attorney

(Sd). S. BANERJI.

(Sd). Illegible.

Managing Agents.

(Sd). B. P. SINHA, Vice-President,

Bihar Colliery Mazdoor Sangh.

(Sd). BRAHMANAND, Secretary,  
Koyala Mazdoor Panchayat, Jharla.

(Sd). P. D. KAMERKAR, Vice President, K.M.P.

We admit the above compromise. (Sd). B. P. SINHA,

Camp: Bangalore, 27th September 1954. Vice-President,  
Bihar Colliery Mazdoor Sangh.

(Sd) BRAHMANAD LAL, Secretary, Koyala Mazdoor Panchayat.

(Sd) D. BASU THAKUR, Solicitor.

Admitted by Shri Basu Thakur on behalf of the employers, and by Shri B. P. Sinha, and Shri Brahmanand Lal on behalf of the Bihar Colliery Mazdoor Sangh and Koyala Mazdoor Panchayat, respectively (Who have appeared on behalf of the workmen.)

Camp: Bangalore.

(Sd.) L. P. DAVE, Chairman.

Central Government Industrial Tribunal, Dhanbad.

The 27th September, 1954.

#### EXHIBIT 32

Reference No. 5 of 1954

1. (1) The workers who have been adjudged as genuine workers in accordance with the terms of settlement dated 18th September 1954 will be informed through the Koyala Mazdoor Panchayat. This will be done within seven days from today. The company for this purpose will send a list of all names to the Koyala Mazdoor Panchayat. The Koyala Mazdoor Panchayat undertakes to serve the notices on the workers. The company will not be responsible in the event of non-service of notice on any individual.

1. (2) The workers who have been adjudged as genuine will report for duty within fourteen days from the date of the service of the notices on Koyala Mazdoor Panchayat. If any worker by reason of illness or other reasonable cause fails to report within the time specified above, he will apply to Mr. Cecil Evans within the time, i.e. fourteen days and Mr. Cecil Evans will decide on the merit of such application and his decision will be final.

2. The workers who have been adjudged as non-genuine will be informed in the manner stated in para 1 above.

3. The Koyala Mazdoor Panchayat will file with Mr. Cecil Evans within three days from today, the names of the 100 (hundred) workers who it is alleged have been turned back when they went to the company's office to report that they were genuine workers within the meaning of the settlement and their cases will be dealt with as if their applications have been filed in time.

4. The Koyala Mazdoor Panchayat will furnish to Mr. Cecil Evans within three days a list of names of persons who it is alleged have been forced to leave the dhowrahs in Lodna Colliery and Mr. Cecil Evans will decide and such decision will be final.

5. The terms set forth above will be treated as a part of settlement dated 18th September 1954 which has already been filed before this Tribunal and an award in terms of the said settlement together with this application should be passed.

Dhanbad,

Dated, 17th November, 1954.

(Sd.) S. BANERJI,  
Counsel for the company.

(Sd.) D. BASU THAKUR,  
Solicitor for the Company.

(Sd.) T. P. M. EVANS.

(Sd.) CECIL EVANS.

(Sd.) P. D. KAMERKAR.

(Sd.) B. P. SINHA.

(Sd.) S. K. SHARMA.

(Sd.) BRAHMANAND LAL.

(Sd.) I. H. KHAN.

[No. LR. 2(16)/54.]

*New Delhi, the 30th November 1954*

**S.R.O. 3530.**—In pursuance of section 17 of the Industrial Disputes Act, 1947 (XIV of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Dhanbad, in the matter of an application under section 33A of the said Act from Sarva Shri Dharamu Naik and Saheb Naik, workmen of Dara Colliery.

#### CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL AT DHANBAD

APPLICATION No. 281 of 1954

(arising out of Reference No. 6 of 1952)

In the matter of an application U/s 33A of Industrial Disputes Act, 1947

PRESENT

Shri L. P. Dave, B.A., LL.B.—*Chairman.*

PARTIES

Sri Dharamu Naik, and Sri Saheb Naik, Underground Mazdoors, C/o Secretary, Dara Colliery Labour Union, P.O. Dara Colliery, Dt. Dhenkanal, Orissa—*Complainants*

*Vs.*

The Manager, M. & S. M. Rly. Talcher Colliery, P.O. Dara Colliery, Dt. Dhenkanal, Orissa—*Opposite party.*

APPEARANCES

No appearance on behalf of the complainants.

No notice issued to the opposite party.



## AWARD

This is a complaint under Section 33A of the Industrial Disputes Act.

2. The complainants alleged that the opposite party served a notice on them on 21st April 1953 terminating their services without paying any compensation, gratuity or pay in lieu of notice. At that time, Reference No. 6 of 1952 was pending before this Tribunal and still the opposite party did not obtain any permission from the Tribunal before terminating the services of the complainants and thereby they committed a breach of Section 33 of the Industrial Disputes Act. Hence the complaint.

3. Notice was issued to the complainants to state as to why the complaint had been filed so long after the termination of their services and to show why it should not be dismissed on the ground that it had been filed after an unreasonable delay. No reply has been sent to this notice nor have the complainants appeared and stated any reasons about the delay in filing the complaint etc.

4. As I said above, the present complaint has been filed under Section 33A of the Industrial Disputes Act on the ground that the opposite party contravened the provisions of Section 33 of the Industrial Disputes Act by terminating the services of the complainants during the pendency of Reference No. 6 of 1952 without obtaining the permission from this Tribunal. Section 33A does not provide in express terms the time during which a complaint under that section should be made; but it does not give a right to an aggrieved workman to make a complaint after an indefinite period. It is implicit in the section that the complaint must be made within a reasonable time of the act complained of. The true position would be that a complaint under this Section must be made as far as possible during the pendency of the proceedings and if it is made after such pendency, it should be made within a reasonable time. See the decision of the Labour Appellate Tribunal in the case of General Motors (India) Ltd., 1954, Vol. I, L.L.J. p. 676. It is true that this was a case under Section 23 of the Industrial Disputes (Appellate Tribunal) Act, 1950; but that section is similar to Section 33A of the Industrial Disputes Act and the principles laid down in the above case should also be applicable to the present case.

5. In the present case, the services of the complainants were terminated on 21st April 1953. The present complaint has been filed on 5th October 1954, i.e. more than seventeen months after the act complained of. The award in Reference No. 6 of 1952 was published in the *Gazette of India* on 10th October 1953 and hence under Section 20(3) read with Section 17A of the Industrial Disputes Act, the proceedings in that case terminated from 10th November 1953. That would mean that the present complaint has been filed almost eleven months after the proceedings had terminated. It is thus clear that it has been filed after an unreasonable delay. No ground has been alleged about the delay.

6. In the circumstances, the complaint must be dismissed as having been filed after an unreasonable delay. I pass my award accordingly.

The 19th November 1954.

(Sd.) L. P. DAVE, *Chairman*,  
Central Government's Industrial Tribunal, Dhanbad.

[No. LR-2(365)/I.]

**S.R.O. 3531.**—In pursuance of section 17 of the Industrial Disputes Act, 1947 (XIV of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Dhanbad, in the matter of an application under section 33A of the said Act from Shri Sabir Meah, Stone cutter, Kolimaran Pit, Kurhurbaree Colliery, Giridih.

## CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL AT DHANBAD

APPLICATION No. 65 of 1954

(arising out of Reference No. 6 of 1952)

In the matter of an application U/s 33A of the I.D. Act.

PRESENT

Shri L. P. Dave, B.A., LL.B.—*Chairman*.

## PARTIES

Sabir Meah, Stone Cutter, Kolimaran Pit, Kurhurbaree Colliery, Giridih, c/o Coal Workers Union, Barwadih, Giridih P.O., Dt. Hazaribagh—*Complainant.*

*Vs.*

1. Chief Mining Engineer, Railway Board, 1, Council House Street, Calcutta,
2. Superintendent of Collieries, Giridih, Dt. Hazaribagh, Bihar—*Opposite parties.*

## APPEARANCES

Shri Mahendra Nath Bharathi, General Secretary, Coal Workers Union, Giridih, Dt. Hazaribagh—*For the complainant.*

Shri L. Singh, Welfare Officer, Office of the Superintendent of Collieries, Giridih P.O., Dt. Hazaribagh—*For the opposite parties.*

## AWARD

This is a complaint under Section 33A of the Industrial Disputes Act.

2. The complainant alleged that the opposite parties changed the conditions of his service by making him retire at the age of 55 years compulsorily on 10th April 1953 during the pendency of Reference No. 6 of 1952 and thereby contravened the provisions of Section 33 of the Industrial Disputes Act. He therefore urged that proper orders may be passed in the case.

3. The opposite parties contended that the complainant was appointed as "In place" worker; that is, he was to be given work as and when there was temporary vacancy of workman of that category. His age was correctly ascertained and recorded to be 10th April 1898 and as he completed 55 years of age on 10th April 1953, he was made to retire. It was urged that the opposite parties had not violated the provisions of Section 33 of the Industrial Disputes Act and that the complaint had been filed after an inordinate delay and should be dismissed.

4. A preliminary objection was raised before me that the present complaint should be dismissed as it was filed after an unreasonable delay. In my opinion, this objection must be upheld. As I said above, this is a complaint under Section 33A of the Industrial Disputes Act and has been made on the ground that the opposite parties had contravened the provisions of Section 33 by terminating the services of the complainant during the pendency of Reference No. 6 of 1952 without obtaining the permission of the Tribunal.

5. Section 33A lays down that if an employer commits a breach of Section 33, the aggrieved employee may make a complaint in writing to the Tribunal. This section does not provide in express terms the time during which a complaint under that Section should be made; but it does not give a right to an aggrieved workman to make a complaint after an indefinite period. It is implicit in the section that the complaint must be made within a reasonable time of the act complained of. The true position would be that a complaint under this Section must be made as far as possible during the pendency of the proceeding and if it is made after such pendency, it should be made within a reasonable time. See the decision of the Labour Appellate Tribunal in the case of General Motors (India) Limited, 1954, Vol. I, L.L.J., p. 676. It is true that this was a case under Section 23 of the Industrial Disputes (Appellate Tribunal) Act, 1950, but that section is similar to Section 33A of the Industrial Disputes Act and the principles laid down in the above case would also be applicable to the present case.

6. The award in Reference No. 6 of 1952 was published in the *Gazette of India* on 10th October 1953 and hence under Section 20(3) read with Section 17A of the Industrial Disputes Act, the proceedings in that case must be deemed to have come to an end from 10th November 1953. The present complaint has been filed on 24th June 1954, that is about 7½ months after the proceedings in the above case came to an end. The complainant's services were terminated on 10th April 1953. That would mean that the present complaint has been filed nearly 15 months thereafter. On the face of it, the delay in filing the present complaint is unreasonable.

7. At the time of arguments, Shri Bharathi who represented the complainant urged at first that a complaint had been filed on behalf of the present complainant

on this ground but it had been dismissed on a technical ground and that is why the present complaint was filed so late. When asked to give details about the first complaint (as to when it was filed and when it was dismissed etc.), he admitted that no such complaint had been filed on behalf of the present complainant. He then argued that some correspondence was going on between the complainant and the opposite parties and that is why no complaint was filed earlier. When asked to produce copies of the correspondence, he said that there was no such correspondence but that the complainant had occasionally approached the officers of the opposite parties personally and that they had given him hopes about his reinstatement. There is nothing to support this allegation. No such allegation has been made in the complaint nor has the complainant gone in the witness box to support this allegation. I do not believe it.

8. The result is that the present complaint has been filed about 15 months after the termination of the complainant's services and 7½ months after the proceedings in Reference No. 6 of 1952 came to an end. This delay is unreasonable and the complaint must be dismissed on this ground.

9. On merits also, the complaint must fail. The complainant's services were terminated on the ground that he had completed 55 years of age. It has not been denied that he had completed 55 years of age on 10th April 1953; indirectly this has been admitted. All that was urged in this connection by Mr. Bharati was that there was no condition of service under which the complainant could be made to retire on completion of 55 years of age. The complainant joined service in 1948 and was governed by Civil Service Rules, under which a person would have to retire from service on completion of the age of 55 years. Hence, if the complainant was made to retire on attaining this age, he could have no grievance. His retirement was proper and was according to the conditions of service applicable to him. On merits also, the complaint would fail.

10. I may mention here that it was urged on behalf of the opposite parties that the complainant was appointed what is called as "In place" worker, that is, on the understanding that he would be given work as and when there was a temporary vacancy. There is nothing to substantiate this allegation. On the other hand, the opposite parties have maintained a service card for the complainant in which his date of appointment has been shown as 10th April 1948. The opposite parties have also produced a letter written by the colliery manager to the overman that from the service register of the complainant, it was found that he attained the age of 55 years on 10th April 1953 and hence it should be seen that his services were dispensed with positively from that date. These letters go to show that the complainant was not a casual worker but was a sort of permanent worker though he may be working in temporary posts. Further his services were terminated not on the ground that there was no work for him but on the ground that he had attained a particular age. If there was no condition of service under which the complainant could be made to retire on completion of particular age, he would be entitled to come before this Tribunal and urge that his service conditions were changed by his retirement. As I said above, there was a service condition under which the complainant would have to retire on completing the age of 55 years and as that has been done in this case, the complainant is not entitled to be reinstated.

11. The result is that the complaint fails on merits and also on the ground that it has been filed after an unreasonable delay. It is therefore dismissed.

I pass my award accordingly.

The 16th November 1954.

(Sd.) L. P. DAVE, *Chairman*,  
Central Government's Industrial Tribunal, Dhanbad.

[No. LR.2(365)/54/II.]

#### ORDER

New Delhi, the 24th November 1954

**S.R.O. 3532.**—In exercise of the powers conferred by section 10 of the Industrial Disputes Act, 1947 (XIV of 1947), the Central Government hereby directs that the following amendments shall be made in the Order of the Government of

India in the Ministry of Labour, No. S.R.O. 3177, dated the 28th September, 1954, namely:—

In the Schedule to the said Order.—

(i) in item (ii) the words “having regard to the recommendations of the Board of Conciliation appointed in 1947” shall be inserted at the end; and

(ii) after item No. (v), the following shall be inserted, namely:—

“(vi) From what date the award on the different issues should be given effect to”.

[No. LR.2(53).]

P. S. EASWARAN, Under Secy.

### MINISTRY OF REHABILITATION

*New Delhi, the 29th November 1954*

**S.R.O. 3533.**—In exercise of the powers conferred by Sub-Section (1) of section 3 of the Displaced Persons (Claims) Supplementary Act, 1954 (No. 12 of 1954), the Central Government is pleased to appoint the following persons as Settlement Officers for the purpose of performing the functions assigned to them by or under the said Act, with effect from the dates shown against each:—

1. Shri K. G. Bhojwani, 15th November, 1954.
2. Shri G. S. Chatrath, 15th November, 1954.
3. Shri M. C. Kapoor, 15th November, 1954.
4. Shri H. R. Bhusarey, 15th November, 1954.
5. Shri H. T. Sadarangani, 17th November, 1954.

2. The Central Government is also pleased to appoint the said Settlement Officers to act as Additional Settlement Commissioners for the purposes of performing the functions assigned to them by or under the said Act, with effect from the same dates.

[No. 2(25)/SBII/54.]

N. S. MATHUR, Under Secy.